IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9831 OF 2003

Ms. Leena Pereira ... Petitioner

Vs.

Dombivli Shikshan Prasarak Mandal
through the Chairman & Ors. ... Respondents

Mr. Mihir Desai for the petitioner.

Mr. Susheel Mohadeshwar for respondent 3.

Mr. A.P. Vanarse, A.G.P. for the State.

CORAM: V.G. PALSHIKAR &
SMT. RANJANA DESAI, JJ.

DATED: 9TH AUGUST, 2004.

P.C.:-

1. According to the petitioner, he was appointed on the post reserved for backward class category candidate as at the time of appointment such candidates were not available.

2. The rule in this regard requires that such posts shall be advertised five times consecutively and the university then, if it finds that inspite of the advertisements no candidates from backward class category is available, recommend deservation of that seat to the Government of Maharashtra and the Government of Maharashtra takes final decision.

3. In this case, such recommendation has been made by

the University and the matter is pending adjudication by the Government of Maharashtra. The interest of justice would be met if the State Government is directed, in each case, to decide the recommendation made by the University and colleges concerned regarding the requisition of the employment of the petitioner within the period of two months from the date of receipt of the order from this court.

4. Meanwhile, the service of the petitioner may not be terminated.

5. Petition is accordingly disposed of.

6. All concerned to act on ordinary copy of this order duly authenticated.

(V.G. PALSHIKAR, J.)

(SMT. RANJANA DESAI, J.)